



City of El Paso – City Plan Commission Staff Report

Case No: PZDS11-00021
Application Type Detailed Site Development Plan
CPC Hearing Date December 1, 2011
Staff Planner: Esther Guerrero, 915-541-4720, guerreroex@elpasotexas.gov

Location: 1144 Yarbrough Drive
Legal Description: Portion of Lot 3, Block 11, Vista Del Sol Unit 2, City of El Paso, El Paso County, Texas
Acreage: 0.513 acre
Rep District: 7
Existing Zoning: C-3/sc (Commercial/special contract)
Existing Use: Parking area for retail center (Burlington Coat Factory Store, Ocean Dental Clinic)
Request: Detailed Site Plan Review by contract dated May 7, 1968 by Ordinance No. 3962, (refer to Parcel J)
Proposed Use: Restaurant (Corner Bakery Café) and retail space for lease
Property Owner: Burlington Coat Factory Realty of El Paso, Inc.
Representative: James Suerken, SMS Architects, Inc.

SURROUNDING ZONING AND LAND USE

North: C-c/sc (Commercial/special contract) / Restaurant
South: C-3/sc (Commercial/special contract) / Restaurant
East: C-3/sc (Commercial/special contract), M-1/sc (Manufacturing/special contract) / Retail Store
West: C-3 (Commercial) / Retail Shopping Center

Plan for El Paso Designation: Commercial (East Planning Area)

Nearest Park: Reese McCord Park (4,659 feet)

Nearest School: Bel Air High (2,267 feet)

NEIGHBORHOOD INPUT

Notice of the public hearing is not required on detailed site development plans per Section 20.04.520, Notice.

APPLICATION DESCRIPTION

The proposed site plan shows one (1) building that will include a 4,445 sq. ft. space for a restaurant and a 2,500 sq. ft. space for future retail lease. Access is proposed via two (2) existing driveways from Yarbrough Drive.

Staff requested that the applicant submit an overall site plan to ensure sufficient required parking for the entire lot. The overall site plan as submitted, including the proposed detached building, does meet the parking requirements.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the detailed site development plan request as it meets all the requirements of Section 20.04.150, Detailed Site Development Plan and complies with the zoning conditions.

The Plan for El Paso –City-wide Land Use Goals

All applications for detailed site development plan shall demonstrate compliance with the following criteria:

- a. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses
- b. Goal: develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression.
- c. Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
- d. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods.

The purpose of the C-3 (Commercial) Community Commercial District is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the City. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

Development Coordinating Committee Review

The DCC reviewed and discussed the application for detailed site development plan review and offered no objections to Planning Staff's recommendation for approval.

Engineering & Construction Management Services Department – Plan Review

Recommend approval.

Engineering & Construction Management Services Department – Landscaping

No comments received

Engineering & Construction Management Services Department – Land Development

Recommend approval.

Fire Department

Recommend approval.

Department of Transportation

Recommend approval.

-Department of Transportation does not object to the proposed revisions of the detailed site plan.

Notes: All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction. Should your office or the applicant have any questions or comments regarding these issues, please contact Sandra Hernandez at 541-4152.

El Paso Water Utilities

1. EPWU-PSB does not object to this request.

Water:

2. There are existing 48-inch diameter and 20-inch diameter water transmission mains along Yarbrough Drive. No direct service connections are allowed to these mains as per the El Paso Water Utilities Public Service Board Rules & Regulations.
3. There is an existing 4-inch diameter water main along Yarbrough Drive fronting the subject property. This main may be required to be upgraded to a larger diameter main depending on the water demands of the site and the fire protection requirements (sprinkler system).

4. Previous water pressure readings from fire hydrant #1436 located at 1166 Yarbrough Drive, 695-feet south of Vista Del Sol Drive have yielded a static pressure of 102 pounds per square inch (psi), a residual pressure of 92 (psi), and a discharge of 1061 gallons per minute (gpm).

5. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sewer:

6. There is an existing 8-inch diameter sanitary sewer main that extends along Yarbrough Drive fronting the subject property.

General:

7. Application for water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the detailed site development plan review application:

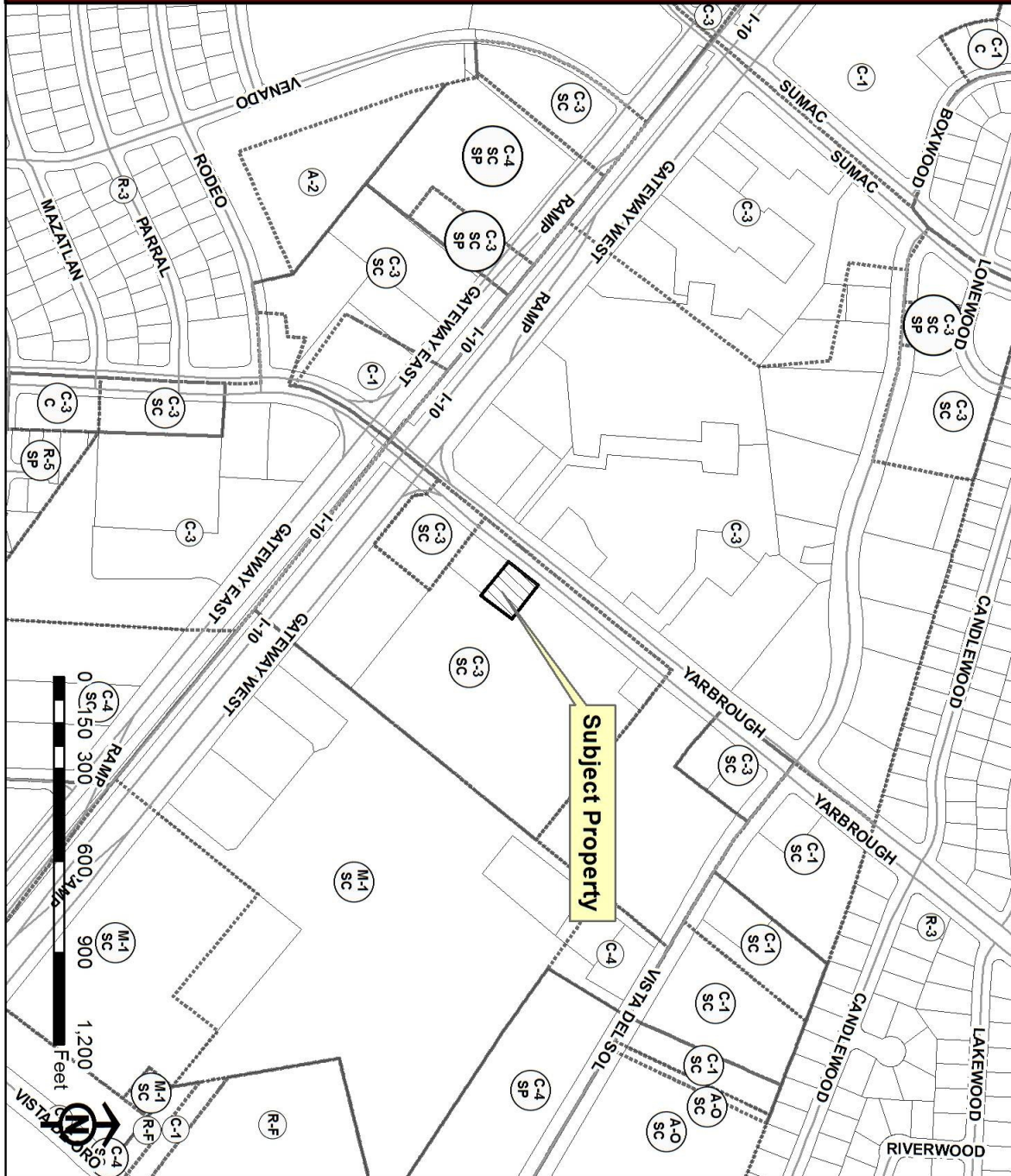
1. Recommend approval of the application finding that the detailed site development plan is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan
2. Recommend approval of the application with modifications to bring the detailed site development plan into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the detailed site development plan does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

Attachments

1. Zoning Map
2. Aerial Map
3. Proposed Detailed Site Development Plan
4. Overall Detailed Site Development Plan
5. Elevations
6. Ordinance No. 3962

ATTACHMENT 1: ZONING MAP

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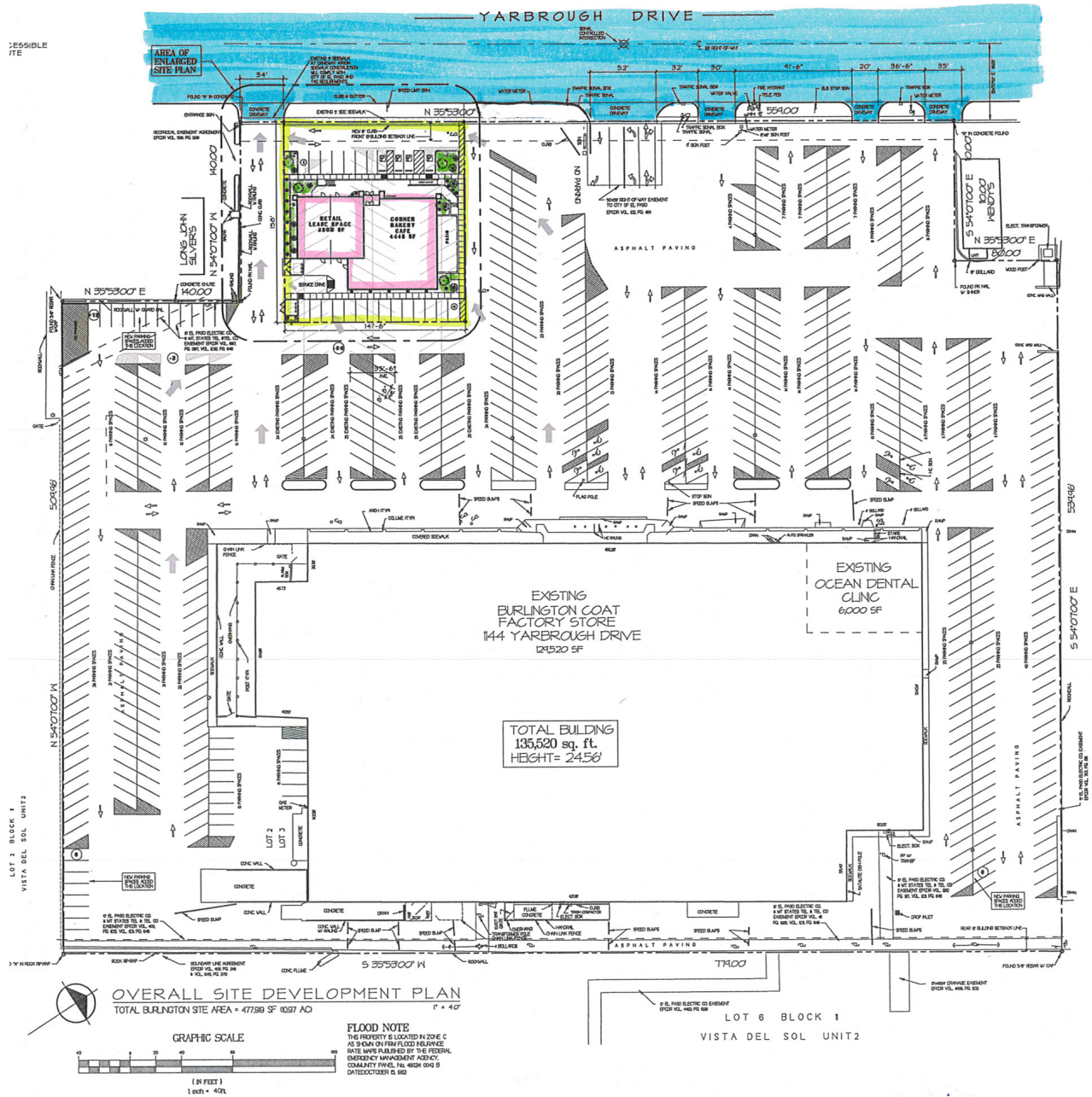


ATTACHMENT 2: AERIAL MAP

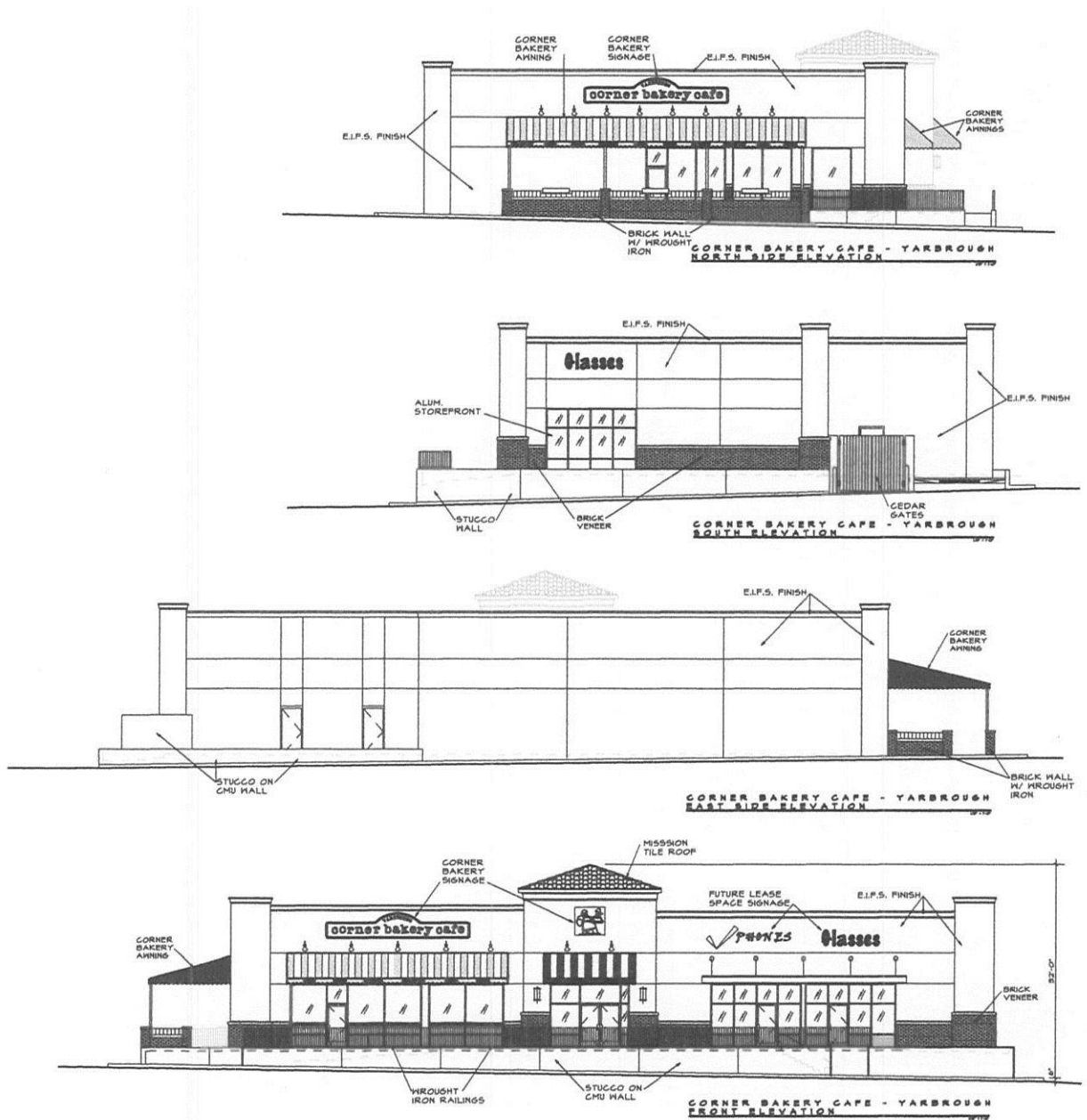


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ATTACHMENT 4: OVERALL DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 5: ELEVATIONS



ATTACHMENT 6: ORDINANCE NO. 3962

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CONTRACT

This contract, made this 7th day of May, 1968,
by and between Bowden Sand and Gravel Company, a corporation, and the
State National Bank of El Paso, Trustee, a corporation, First Parties,
and the City of El Paso, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning of
the following described portions of Block 1, Ascarate Grant, El Paso County,
Texas:

Parcel F (to A-O)

A portion of Tract 3-A, Block 1, Ascarate Grant, El Paso County,
Texas.

Beginning at a point, said point being in the proposed southeasterly
right of way line of Yarbrough Drive and from which point the proposed in-
tersection of the southeasterly right of way of Yarbrough Drive with the north-
erly right of way line of U. S. Interstate Highway 10 bears South 35° 53' West
a distance of 1200.00 feet;

Thence North 35° 53' East along the proposed southeasterly right of
way line of Yarbrough Drive a distance of 677.59 feet to a point in the north-
erly line of a pipe line easement;

Thence South 77° 02' East along the northerly line of a pipe line ease-
ment a distance of 187.30 feet;

Thence continuing along said easement South 72° 07' East a distance
of 686.01 feet;

Thence South 35° 53' West a distance of 838.08 feet;

Thence North 62° 41' 43" West a distance of 834.34 feet to the point
beginning and containing in all 14.479 acres of land, more or less.

Parcel G (to C-4)

Tract 3-E, Block 1, Ascarate Grant, El Paso County, Texas.

Beginning at a point, said point being the most southerly corner of
said tract, and said point being in the northerly right of way line of U. S. In-
terstate Highway 10;

Thence North 54° 07' West along said right of way line a distance of
917.95 feet;

Thence North 35° 53' East along the easterly line of Tract 3-D a
distance of 600.00 feet;

Thence South 54° 07' East along the southerly line of Tract 3-C, a
distance of 479.09 feet;

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Thence South 0° 18' East along the easterly line of Tract 3-E a distance of 743.37 feet to the point of beginning and containing in all 9.621 acres of land, more or less.

Parcel H (to C-4)

Being Tract 3-D, Block 1, Ascarate Grant, El Paso County, Texas.

Beginning at a point, said point being the most westerly corner of Tract 3-E and the most southerly corner of Tract 3-D and said point being in the northerly right of way line of U. S. Interstate Highway 10;

Thence North 54° 07' West along said right of way line a distance of 20.00 feet;

Thence North 35° 53' East along the common line of Tracts 3A and 3D a distance of 600.00 feet;

Thence South 54° 07' East along the common line of Tracts 3D and 3C a distance of 20.00 feet;

Thence South 35° 53' West along the common line of Tracts 3D and 3E a distance of 600.00 feet to the point of beginning and containing in all 0.275 acres of land, more or less.

Parcel J (to C-3)

A portion of Tract 3-A, Block 1, Ascarate Grant, El Paso County, Texas.

Beginning at a point, said point being in the northerly right of way line of U. S. Interstate Highway 10 and from which point the southerly most corner of Tract 3-A bears South 54° 07' East along said right of way line a distance of 1343.37 feet;

Thence North 35° 53' East a distance of 1324.46 feet;

Thence North 62° 41' 43" West a distance of 834.34 feet to a point in the proposed southeasterly right of way line of Yarbrough Drive;

Thence South 35° 53' West along the proposed southeasterly right of way line of Yarbrough Drive, a distance of 1200.00 feet to a point in the northerly right of way line of U. S. Interstate Highway 10;

Thence South 54° 07' East along the northerly right of way line of U. S. Interstate Highway 10 a distance of 825.00 feet to the point of beginning and containing in all 23.906 acres of land, more or less.

Parcel K (to C-4)

Portion of Tract 3-A, Block 1, Ascarate Grant, El Paso County, Texas.

Beginning at a point, said point being the most southerly corner of said Tract 3-A, said point being in the northerly right of way line of U.S. Interstate Highway 10 and said point being the intersection of the westerly line of Tract 3D with the northerly right of way line of U. S. Interstate Highway 10;

Thence North 54° 07' West along the northerly right of way line of Interstate Highway 10 a distance of 1343.37 feet;

Thence North 35° 53' East a distance of 1050.00 feet;

Thence South 49° 20' 11" East a distance of 796.97 feet to the northwesterly corner of Tract 3C;

Thence South 11° 21' 08" East along the westerly line of Tract 3C, a distance of 564.94 feet;

Thence South 54° 07' East along the southerly line of Tract 3C, a distance of 134.42 feet;

Thence South 35° 53' West along the westerly line of Tract 3D a distance of 600.00 feet to the point of beginning and containing in all 27.929 acres of land, more or less.

In order to remove certain objections to such rezoning, First Parties covenant that if said property is rezoned by changing the zoning of Parcel F to A-O (Apartment-Office), the zoning of Parcels G, H and K to C-4 (Commercial), and the zoning of Parcel J to C-3 (Commercial), said property will be subject to the following restrictions:

(1) No development of any kind will be done on the property until complete and detailed plans have been submitted to the City Plan Commission of the City of El Paso.

(2) No building permits will be issued until subdivision maps of the property are approved and filed for record.

This agreement is a restriction, condition and covenant running with the land, and a charge and servitude thereon, and shall bind First Parties and their successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restriction and covenant in its discretion without the consent of any third person who may be benefited thereby.

Witness the following signatures and seals:

BOWDEN SAND AND GRAVEL COMPANY

by Walter Davis
VICE - President

ATTEST:
ATTEST Seal NOT
Required
Secretary

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THE STATE NATIONAL BANK OF
EL PASO, Trustee

by *W. C. Roberts*
Vice President & Trust Officer

ATTEST:
Jack R. Case
Secretary ASST. CASHIER

THE CITY OF EL PASO

by *Hudson E. Williams*
Mayor

ATTEST:
R. H. Habel
City Clerk

THE STATE OF TEXAS)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared WALTER DRIVER, Vice-President of BOWDEN SAND AND GRAVEL COMPANY, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that the same was the act of said corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and official seal this 7th day of MAY, 1968.



Rita B. M. Clellan
Notary Public in and for El Paso County,
Texas.